

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6611 of 2018

Parmeshwar Sahu, S/o Bhagwat Sahu, Aged About 36 Years, R/o Village - Lakhasar, Police Station, Tahsil- Lormi, District - Mungeli, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through The Station House Officer, Police Station - Lormi, District -Mungeli (C.G)

---- Respondent

For Applicant.	:	Shri Vaibhav A. Goverdhan, Advocate.
For Respondent.	:	Shri Aditya Sharma, PL

Hon'ble Smt. Justice Rajani Dubey

Order on Board

06/10/2018

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 27.05.2018 in connection with Crime No.211/2018 registered at Police Station : Lormi, District - Mungeli (C.G.) for the offence punishable under Section 302 of the IPC.
2. As per the prosecution case, on 23.05.2018, a morgue was lodged by one Santkumar stating therein that when he was going to Barghara Forest alongwith some villagers, at that time near Chhidpura Khar, they saw a dead body of a male which was not identified by the villagers. Thereafter, during investigation, the dead body was identified to be that of one

Dinesh Verma, and on the basis of morgue inquiry, an FIR was lodged on 24.05.2018 against the present applicant. Based on this, the applicant was arrested on 27.05.2018.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further argued that there is no legally admissible evidence against the present applicant and on the memorandum statement of the applicant, only motor-cycle has been seized, which has no nexus with the offence. It is also submitted that there is no witness of the last seen. He further submitted that the applicant is in custody since 27.05.2018, charge-sheet has been filed and trial will take some more time, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and the fact that the applicant is in custody since 27.05.2018, charge-sheet has already been filed, trial will take some more time and looking to the material available on record, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed.

8. It is directed that the accused/applicant shall be released on bail on his furnishing a personal bond of Rs.50,000/- with two local sureties of Rs 25,000/- each for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge

yasmin